

Court of Appeals, State of Michigan

ORDER

Mark A Dickens v Michigan Podiatric Medical Assn

Patrick M. Meter
Presiding Judge

Docket No. 283248

Donald S. Owens

LC No. 07-000471-CL

Alton T. Davis
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court orders that the trial court's order denying the motion to amend affirmative defenses is REVERSED. The proposed affirmative defense stated sufficient facts to inform plaintiffs of the nature of the affirmative defense. In the absence of a particularized reason, such as undue delay, repeated failure to cure deficiencies, undue prejudice to the opposing party, or futility, the court abused its discretion in denying the motion. *Sands Appliance Services, Inc v Wilson*, 463 Mich 231, 239-240; 615 NW2d 241 (2000).

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 10 2008

Date

Sandra Schultz Mengel
Chief Clerk